
To: Mizuno USA, Inc. (trademarks@troutmansanders.com)
Subject: TRADEMARK APPLICATION NO. 77272155 - COMFORTFIT - 49545.111236
Sent: 1/5/2009 6:00:24 PM
Sent As: ECOM114@USPTO.GOV
Attachments:

UNITED STATES PATENT AND TRADEMARK OFFICE**SERIAL NO:** 77/272155**MARK:** COMFORTFIT**CORRESPONDENT ADDRESS:**

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GENERAL TRADEMARK INFORMATION:
<http://www.uspto.gov/main/trademarks.htm>

APPLICANT: Mizuno USA, Inc.

**CORRESPONDENT'S REFERENCE/DOCKET
NO:**

49545.111236

CORRESPONDENT E-MAIL ADDRESS:

trademarks@troutmansanders.com

REQUEST FOR RECONSIDERATION DENIED**ISSUE/MAILING DATE: 1/5/2009**

Applicant is requesting reconsideration of a final refusal issued/mailed June 9, 2008.

After careful consideration of the law and facts of the case, the examining attorney must deny the request for reconsideration and adhere to the final action as written since no new facts or reasons have been presented that are significant and compelling with regard to the point at issue.

The examining attorney attaches additional evidence of descriptive use of the terms "comfort" and "fit" in the context of gloves, and, in some cases athletic gloves.

Accordingly, applicant's request for reconsideration is *denied*. The time for appeal runs from the date the final action was issued/mailed. 37 C.F.R. Section 2.64(b); TMEP Section 715.03(c). If applicant has already filed a timely notice of appeal, the application will be forwarded to the Trademark Trial and Appeal Board (TTAB).

/Mark Rademacher/
Examining Attorney
Law Office 114
Trademarks
United States Patent and Trademark Office
Ph: (571) 272-9723

STATUS CHECK: Check the status of the application at least once every six months from the initial filing date using the USPTO Trademark Applications and Registrations Retrieval (TARR) online system at <http://tarr.uspto.gov>. When conducting an online status check, print and maintain a copy of the complete TARR screen. If the status of your application has not changed for more than six months, please contact the assigned examining attorney.

108B8C

Time of Request: Monday, January 05, 2009 17:52:09 EST**Client ID/Project Name:****Number of Lines:** 240**Job Number:** 1823:133014942**Research Information****Service:** Terms and Connectors Search**Print Request:** Selected Document(s): 1,2,7,12,13,16,18,22,24,25**Source:** News, All (English, Full Text)**Search Terms:** comfort fit /s glove

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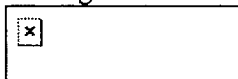
November 3, 2008 Monday 1:00 PM EST

LENGTH: 512 words**HEADLINE:** Bionic Gloves Helping USA Cares Give a [#x2dc]Hand Up**BYLINE:** Jess Bratcher**BODY:**

...oelts an incredible gesture of support on their part, USA Cares Director of Business Development Kim Moorman said. The gloves, invented by renowned orthopedic surgeon Dr. Jim Kleinert, are designed based on the anatomy of the human hand and the science of ergonomics to provide comfort, fit, performance and durability. The gloves are available in a wide variety of styles, from golf and fitness to gardening and motorcycling. Prices range from ...

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Fitness Business Pro

November 1, 2008

SECTION: Pg. 78 ISSN: 0747-8283

LENGTH: 821 words

HEADLINE: Pro Shop

BODY:

...Matrix Fitness Systems Corp.; phone: 866-693-4863; www.matrixfitness.com.

Tennis Gloves

Bionic Tennis Gloves were designed by an orthopedic hand specialist with feedback from professional and Olympic athletes regarding comfort, fit and performance. The gloves provide a number of benefits to tennis players, giving wearers greater racket control while keeping ...

7 of 60 DOCUMENTS

Copyright 2008 The Baltimore Sun Company
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The Baltimore Sun

January 6, 2008 Sunday
FINAL EDITION

SECTION: SPORTS; ASK CAL; Pg. 2D

LENGTH: 581 words

HEADLINE: OFFSEASON PLAY, EVEN WITH LIGHTER BALL, KEEPS KIDS' INTEREST;
YOUTH SPORTS

BYLINE: CAL RIPKEN JR.

BODY:

...thing to consider when getting a new one?

Brittany O'Brien, Columbia

DEAR BRITTANY -- The key to buying a new glove is comfort and fit. It is really an individual choice. Over the years, certain stereotypes about gloves have developed. For years, middle infielders ...

12 of 60 DOCUMENTS

Copyright 2007 The New York Times Company
The New York Times

May 29, 2007 Tuesday
Late Edition - Final

SECTION: Section F; Column 1; Health&Fitness; VITAL SIGNS: HAZARDS; Pg. 6

LENGTH: 314 words

HEADLINE: Obese Employees More Likely To Be Injured on the Job

BYLINE: By Eric Nagourney

BODY:

...problem of using safety equipment designed for smaller people.

"It is possible," the study said, "that personal protective equipment, such as gloves and eye goggles, are less likely to be used by obese workers because of lack of comfort, fit or availability."

13 of 60 DOCUMENTS

Copyright 2007 The Star Press (Muncie, IN)
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The Star Press (Muncie, Indiana)

May 7, 2007 Monday

SECTION: LIFESTYLE; Pg. 1C

LENGTH: 1102 words

HEADLINE: Gifts fit for moms

BYLINE: Star Press Staff

BODY:

...OUTDOOR MOM

Women's Bionic Gardening Gloves

Mom is sure to feel like a superhero of the flowerbed in these ergonomic **gloves** that feature motion and breathable zones to improve **comfort, fit** and flexibility, as well as "anatomic relief pads" to reduce calluses and loss of hand power. The form-fitting wrist closures offer ...

16 of 60 DOCUMENTS

Copyright 2007 Plain Dealer Publishing Co.
Plain Dealer (Cleveland)

February 15, 2007 Thursday
Final Edition; All Editions

SECTION: INSIDE & OUT; Pg. F14

LENGTH: 183 words

HEADLINE: GET GROWING

BYLINE: Roxanne Washington, Plain Dealer Reporter

BODY:

...hard work

Whether lifting and clearing thick branches or pulling stubborn growth with deep roots, guys need sturdy, protective **gloves** for yard work. Professional Bull Riders Lined Work **Gloves**, by Midwest **Gloves** and Gear, \$15.95, are equipped with Thinsulate insulation for warmth, cowhide leather palms and elastic wrists for **comfort and fit**. If you can't find them at Wal- Mart, order at 1-800-689-9164 or at the Web site www. ...

18 of 60 DOCUMENTS

Copyright 2006 Little Rock Newspapers, Inc.
Arkansas Democrat-Gazette (Little Rock)

February 11, 2006 Saturday

SECTION: HOMESTYLE

LENGTH: 260 words

HEADLINE: TOOLS & TOYS

BYLINE: - Karen Martin

BODY:

...contractor or an Andersen supplier; visit www.andersen.windows.com or call (800) 426-4261.

Bionic Rose **Glove** What's it do: An ergonomically designed **glove** for rose gardeners that provides **comfort, fit**, dexterity and an extra-long gauntlet for protection against thorns.

What's to love: Designed by an orthopedic hand ...

22 of 60 DOCUMENTS

Copyright 2005 The Detroit News
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The Detroit News (Michigan)

July 30, 2005 Saturday

SECTION: HOMESTYLE; Nancy Szerlag; Pg. 17E

LENGTH: 884 words

HEADLINE: Protect yourself head-to-foot for grubby outdoor work

BYLINE: Nancy Szerlag

BODY:

...womenswear.com) with Ultra Touch technology. Made of a combination of soft English leather and lightweight breathable stretch material, these **gloves** offer **comfort and fit** along with protection. Several manufacturers make similar models, but the leather in these gloves doesn't stiffen up, as does the synthetic ...

24 of 60 DOCUMENTS

Copyright 2005 Consumers Union of U.S., Inc.
All Rights Reserved
Consumer Reports

July 2005

SECTION: Pg. 7 Vol. 70 No. 7

LENGTH: 553 words

HEADLINE: UP FRONT: News/Trends/Advice. TESTING GLOVES FOR WORK.

BODY:

...in at least three sizes, including extra extra large.

We asked 20 men and 7 women to use the gloves for their normal home- and auto-maintenance chores, carpentry, and heavy yard work, then tell us which were well-suited for the work and which they preferred for comfort and fit.

We had the panelists do specific tasks - thread a nut onto a bolt and flip the switch on a small power tool, ...

25 of 60 DOCUMENTS

Copyright 2005 P.G. Publishing Co.
Pittsburgh Post-Gazette (Pennsylvania)

April 12, 2005 Tuesday SOONER EDITION

SECTION: HEALTH TUESDAY, Pg.C-2

LENGTH: 922 words

HEADLINE: WHAT'S NEW IN GADGETS AND GEAR

BODY:

...diet guide. Available at www.glidingdiscs.com. Cost is \$19.99 plus \$12.31 shipping and handling.

Bionic Golf **Glove** and SportStretch Golf/ Get a better grip on your golf clubs with the Bionic Golf **Glove** by Hillerich & Bradsby, maker of Louisville sluggers, and make your body better suited for the game with SportStretch Golf, a stretching rope. The **glove**, commended by the Arthritis Foundation, provides ergonomic padding and webbing to reduce hand fatigue and callouses and to promote **comfort, fit** and a better feel of the club in your hand. The rope, made by Harbinger Fitness, comes with both CD and ...

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Sent: 1/5/2009 6:00:26 PM
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Attachments:

IMPORTANT NOTICE
USPTO OFFICE ACTION HAS ISSUED ON 1/5/2009 FOR
APPLICATION SERIAL NO. 77272155

Please follow the instructions below to continue the prosecution of your application:

VIEW OFFICE ACTION: Click on this link http://tmpportal.uspto.gov/external/portal/tow?DDA=Y&serial_number=77272155&doc_type=REC&mail_date=20090105 (or copy and paste this URL into the address field of your browser), or visit <http://tmpportal.uspto.gov/external/portal/tow> and enter the application serial number to **access** the Office action.

PLEASE NOTE: The Office action may not be immediately available but will be viewable within 24 hours of this notification.

RESPONSE MAY BE REQUIRED: You should carefully review the Office action to determine (1) if a response is required; (2) how to respond; and (3) the applicable **response time period**. Your response deadline will be calculated from **1/5/2009**.

Do NOT hit "Reply" to this e-mail notification, or otherwise attempt to e-mail your response, as the USPTO does NOT accept e-mailed responses. Instead, the USPTO recommends that you respond online using the Trademark Electronic Application System response form at <http://www.uspto.gov/teas/eTEASpageD.htm>.

HELP: For *technical* assistance in accessing the Office action, please e-mail TDR@uspto.gov. Please contact the assigned examining attorney with questions about the Office action.

WARNING

- 1. The USPTO will NOT send a separate e-mail with the Office action attached.**
- 2. Failure to file any required response by the applicable deadline will result in the ABANDONMENT of your application.**